

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

Joseph J. Hesketh III,
*on his behalf and on behalf of other similarly situated
persons*

Plaintiff,

v.

Total Renal Care, Inc, on its own behalf and on
behalf of other similarly situated persons,

Defendants.⁵⁷

Case No:

JOSEPH J. HESKETH'S DECLARATION IN
SUPPORT OF OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT

Noted For Hearing
November 12, 2021

(Oral Argument Requested)

I, Joseph J. Hesketh, declare as follows:

1. I am the Plaintiff in this lawsuit and I have knowledge of the facts as stated herein
and if called upon to testify to the truth thereof, I could and would do so.

2. I was let down by their failure to pay myself and other TMs the pay we deserved
and are entitled to, but I still hope that DaVita will do the right thing and stand by their word. to
do what they said they would do.

3. I have worked at DaVita since July 2007 as an information technology
professional ("IT"), starting as a computer operator.

4. Throughout my employment at DaVita, learning the corporate culture through
study of its special language known as "DaVita-ese" (see Exhibit A attached (TRC 000303-
TRC 000312), its symbols, language and traditions through study of the DaVita Way Of Book
(see Exhibit B attached (HESKETH000194 – HESKETH000287), and through videos,

1 corporate meetings, and other employee trainings was a requirement (see Exhibit C attached
2 (TRC 000514-TRC 000516). For example, all employees who work at DaVita are referred to as
3 Teammates ('TMs'), the company is referred to as a village, Different regions in the country are
4 called "neighborhoods" with Washington state referred to as "Team Evergreen," and the CEO is
5 referred to as the "Mayor."

6 5. As an employee, I happily embrace the DaVita culture and consider my fellow
7 employees and managers a family and I believe in DaVita's corporate mottos like "integrity," "We
8 said we did" and "No brag just facts" are reinforced throughout company publications. *See*
9 Exhibit D attached (HESKETH_000167; HESKETH_0000168; HESKETH_000013).

10 6. When the Covid-19 pandemic hit, I was visiting family in Maryland and was
11 unable to return to Seattle, Washington. However, I knew that other employees at DaVita
12 depend on what I do as an IT professional, our clinics RELY in IT to perform their life saving
13 treatments, and I continued to work remotely the entire time even though I was stranded on the
14 other side of the country for several months as this country dealt with the unprecedented national
15 emergency.

16 7. I believe in DaVita and I thought they would do what they said and honor their
17 commitments and live up to their motto that they are trusted because they are trustworthy. I
18 expected to be paid time and a half as outlined in the DRP because DaVita said they would.

19 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
20 UNITED STATES AND THE STATE OF WASHINGTON THAT THE FOREGOING IS
21 TRUE AND CORRECT.

22 EXECUTED this October 25, 2021 at Roy, Washington

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24 Joseph J. Hesketh III
25 Joseph J. Hesketh
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